

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:25-CV-00066-M

COREY ATKINSON, JR.,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

ORDER

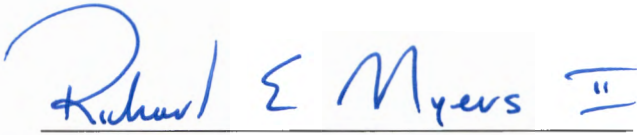
This matter comes before the court on Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) [DE 6]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert T. Numbers, II issued a memorandum and recommendation ("M&R"), recommending that this court dismiss Plaintiff's complaint for his failure to state a plausible claim for relief. DE 17. Judge Numbers instructed the Plaintiff to file any written objections to the recommendation within fourteen days after service of the M&R, or May 15, 2025. *Id.* No objections have been filed; the court notes that on May 9, 2025, the M&R was returned to the court as undeliverable to the Plaintiff and, on May 20, 2025, the Clerk of the Court received a call from the Plaintiff with a change of his address. The Clerk mailed another copy of the M&R to Plaintiff at that time; however, no objection has been filed within the "new" deadline period (on or before June 6, 2025) or since that time. The matter is now ripe for consideration by this court.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord*

*Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the Defendant’s motion [DE 6] is GRANTED and Plaintiff’s complaint is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close this case.

SO ORDERED this 19<sup>th</sup> day of June, 2025.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE